IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 33666 of 2007(G)

PETITIONER:

R.MOHANAN PILLAI, AGED 50 YEARS,
S/O.RAMACHANDRAN PILLAI, KALLOONAYYATHU VEEDU,
ERAVICHIRA KIZHAKKU, SOORANADU THEKKU VILLAGE,
KUNNATHUR TALUK, KOLLAM.

BY ADV. SRI.DILEEP P.PILLAI

RESPONDENTS:
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1. SUB INSPECTOR OF POLICE, SOORANADU
POLICE STATION, KOLLAM.

2. CIRCLE INSPECTOR OF POLICE,
SASTHAMCOTTA, KOLLAM.

3. DISTRICT SUPERINTENDENT OF POLICE,
KOLLAM.

4. GOPALAKRISHNA PILLAI,
KALLOORAYYATHU VEETTIL, ERAVICHIRA KIZHAKKE
MURI, SOORANADU THEKKU, KUNNATHUR, KOLLAM.

BY SR.GOVT. PLEADER SRI.R.LAKSHMINARAYAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR &

K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 33666 OF 2007-G

Dated 20th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner submits, he has got all the requisite licences and permissions from the statutory authorities for mining laterite stones from a property having an extent of 22.60 ares in Survey No.172/14 of Sooranadu Thekku Village in Kunnathur Taluk. But, the 4th respondent, who is a neighbouring property owner, is causing obstruction to the mining activities. The petitioner claims, he has moved the respondents 1 to 3 for protection, but they did not respond. Hence this writ petition, seeking appropriate reliefs.

2. In the writ petition, the petitioner has pleaded that the 4th respondent has filed a suit against him. As directed by us, he has produced the plaint in the said suit. It would show that it is a suit seeking injunction against the petitioner against mining, which will cause environmental

degradation, apart from affecting the neighbouring properties. If this Court orders police protection, after entering a finding that he has got the right to do the mining, the same will make the suit itself infructuous. Further, in this jurisdiction, we are judicially reviewing the commissions and omissions of the police. The police do not have any duty to adjudicate on the civil dispute between the petitioner and his neighbour and on finding that the petitioner has got the right to do mining in his land, extend protection to him. To redress his grievance, the petitioner has to move the competent civil court and get appropriate orders against the persons causing obstruction. The Munsiff's Court has also got ample powers to address the police to render assistance to enforce its orders. Therefore, the writ petition is not maintainable. Further, this view taken by us, is supported by the decision of this Court in **Thilakan v. Circle Inspector of Police** [2007(4) KHC 536 DB].

In the result, the writ petition is dismissed without prejudice to the contentions of the petitioner and his right to move the competent civil court

for appropriate reliefs.

K.BALAKRISHNAN NAIR, JUDGE.

K.P.BALACHANDRAN, JUDGE.

Nm/